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II. REMARKS

Applicants wish to thank the Examiner for kindly indicating that claims 43 and 44 are allowed.

Before the amendments made herein, claims 1, 3 to 19 and 43 to 47 were pending. Claims 43 and 45 to 47 have been canceled herein without prejudice. Accordingly, after the amendments made herein are entered, claims 1, 3 to 19 and 44 will be pending.

**A. Regarding the amendments.**

Claim 1 has been amended by requiring that the R<sub>6</sub> position is present (i.e., not hydrogen). The amendment is supported in the specification, for example, at page 6, lines 7-10, which discloses the recited substituents at R<sub>6</sub>. The amendment is also supported by Example I, which discloses the synthesis of numerous compounds within the scope of the new claim. In addition, because claim 1, as amended, is now identical to allowed claim 43, claim 43 has been cancelled herein without prejudice.

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**B. Regarding the prior art rejections.**

**i. Abelman.**

Claims 1, 3 to 5, 8, 11 and 13 are rejected as allegedly anticipated by Abelman et al. (U.S. Pat. No. 5,670,479; the '479 patent). The Action alleges that these claims are anticipated by a reactant compound taught in the '479 patent (Example 28) where:

n is 0;

R<sub>1</sub>, R<sub>2</sub> and R<sub>4</sub> to R<sub>7</sub> are each hydrogen;

R<sub>3</sub> is nitro;

R<sub>6</sub> is the formula X-CH-Y where: X is hydrogen and Y is -CH<sub>2</sub>-NH<sub>2</sub>.

In response, Applicants have amended claim 1 (and, through dependency, claims 3 to 5, 8, 11 and 13) by requiring that the R<sub>6</sub> position be present (i.e., not hydrogen). In contrast, the cited compound in the '479 patent requires that the corresponding position be hydrogen. In view of this amendment, Applicants respectfully request that this rejection be withdrawn.

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ii. Lane.

Claims 1, 8, 11, 13 and 45 to 47 are rejected as allegedly anticipated by Lane et al. (U.S. Pat. No. 3,376,344; the '344 patent). The Office Action alleges that these claims are anticipated by a compound taught in the '344 patent (column 4, lines 68-69) where:

n is 1;

R<sub>1</sub> to R<sub>7</sub> are each hydrogen;

R<sub>8</sub> is the formula X-CH-Y where: X is hydrogen and Y is -CH<sub>2</sub>-NH<sub>2</sub>.

In response, Applicants have canceled claims 45 to 47 herein without prejudice. In addition, Applicants have amended claim 1 (and, through dependency, claims 3 to 5, 8, 11 and 13) by requiring that the R<sub>6</sub> position is present (i.e., not hydrogen). In contrast, the cited compound in the '344 patent requires that the corresponding position be hydrogen. In view of this amendment, Applicants respectfully request that this rejection be withdrawn.

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**III. CONCLUSION**

In light of the Amendments and Remarks made herein, Applicants respectfully submit that the claims are now in condition for allowance and requests a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney.

Respectfully submitted,

Date: October 23, 2003

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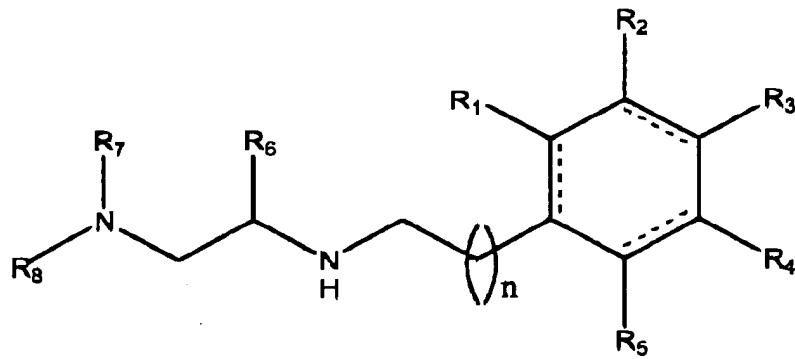
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Marked up version

1. (Twice amended) A compound of the formula:



wherein:

the dotted lines indicate that the depicted ring is selected from the group consisting of phenyl and cyclohexyl;

n is 0, 1 or 2;

R<sub>1</sub> to R<sub>5</sub> are, independently, selected from the group consisting of a hydrogen atom, halo, hydroxy, protected

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hydroxy, nitro, C<sub>1</sub> to C<sub>6</sub> alkyl, C<sub>1</sub> to C<sub>6</sub> substituted alkyl, C<sub>7</sub> to C<sub>12</sub> phenylalkyl, C<sub>7</sub> to C<sub>12</sub> substituted phenylalkyl, C<sub>3</sub> to C<sub>7</sub> cycloalkyl, C<sub>3</sub> to C<sub>7</sub> substituted cycloalkyl, C<sub>5</sub> to C<sub>7</sub> cycloalkenyl, C<sub>5</sub> to C<sub>7</sub> substituted cycloalkenyl, phenyl, substituted phenyl, naphthyl, substituted naphthyl, C<sub>1</sub> to C<sub>6</sub> alkoxy, C<sub>1</sub> to C<sub>6</sub> substituted alkoxy, phenoxy, substituted phenoxy, C<sub>1</sub> to C<sub>6</sub> alkylthio, C<sub>1</sub> to C<sub>6</sub> substituted alkylthio, C<sub>1</sub> to C<sub>6</sub> alkylsulfonyl, C<sub>1</sub> to C<sub>6</sub> substituted alkylsulfonyl, phenylthio, substituted phenylthio, phenylsulfonyl, substituted phenylsulfonyl, amino, protected amino, (monosubstituted) amino, protected (monosubstituted) amino and (disubstituted) amino; and when any one of adjacent position pairs R<sub>1</sub> and R<sub>2</sub>, R<sub>2</sub> and R<sub>3</sub>, and R<sub>3</sub> and R<sub>4</sub> and R<sub>4</sub> and R<sub>5</sub> together form a moiety selected from the group consisting of phenyl, substituted phenyl, heterocycle and substituted heterocycle, said moiety fused to the phenyl ring depicted in the above formula such that a bicyclic ring results;

$R_6$  is selected from the group consisting of a hydrogen atom,  $C_1$  to  $C_6$  alkyl,  $C_1$  to  $C_6$  substituted alkyl,  $C_7$  to  $C_{12}$  phenylalkyl,  $C_7$  to  $C_{12}$  substituted phenylalkyl,  $C_{11}$  to  $C_{16}$  naphthylalkyl and  $C_{11}$  to  $C_{16}$  substituted naphthylalkyl;

where  $R_7$  is absent,  $R_8$  together with the attached nitrogen depicted in the above formula form a substituted heterocycle or a substituted cyclic  $C_3$  to  $C_7$  heteroalkylene, wherein at least one of said substitution is the formula - D-E, wherein D may be absent or present and, if present, is selected from the group consisting of  $C_1$  to  $C_6$  alkylene and  $C_1$  to  $C_6$  substituted alkylene; and E is selected from the

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group consisting of amino, protected amino, (monosubstituted) amino, protected (monosubstituted) amino and (disubstituted) amino group; and

where  $R_1$  is selected from the group consisting of a hydrogen atom,  $C_1$  to  $C_6$  alkyl and  $C_1$  to  $C_6$  substituted alkyl,  $R_8$  is the formula  $X-CH_2-Y$ , wherein the attached nitrogen depicted in the above formula is attached to the carbon atom of the formula  $X-CH_2-Y$ , and wherein  $X$  is selected from the group consisting of a hydrogen atom,  $C_1$  to  $C_6$  alkyl,  $C_1$  to  $C_6$  substituted alkyl,  $C_7$  to  $C_{12}$  phenylalkyl,  $C_7$  to  $C_{12}$  substituted phenylalkyl, phenyl, substituted phenyl, naphthyl and substituted naphthyl, and  $Y$  is the formula  $-(CH_2)_n-Z$ , wherein  $n$  is 1 to 6 and  $Z$  is selected from the group consisting of amino, protected amino, (monosubstituted) amino, protected (monosubstituted) amino and (disubstituted) amino;

wherein, when a) the depicted ring is phenyl, and b)  $R_1$  to  $R_5$  and  $R_7$  are each hydrogen and c)  $R_8$  is the formula  $X-CH_2-Y$ , where  $X$  is benzyl and  $Y$  is  $-CH_2$ -amino, then  $R_6$  is not benzyl; or

a pharmaceutically-acceptable salt thereof.